

Government Response: The Agricultural Wages (Wales) Order 2025

The Agricultural Wages Order is made pursuant to section 4 of the Agricultural Sector (Wales) Act 2014. Although the Order is made by the Welsh Ministers, it is drafted and prepared by the Agricultural Advisory Panel for Wales (“the Panel”). The Welsh Ministers can either approve and make the Order as submitted to them by the Panel or refer the Order back to the Panel for further consideration and resubmission.

Technical Scrutiny point 1: The Welsh Government are satisfied that “public holiday” and “bank holiday” are sufficiently understood terms in the contexts in which they are used not to require defining in the Order

Technical Scrutiny point 2: The Welsh Government acknowledge the point raised.

Article 5(b) is a negative condition i.e. if the agricultural worker cannot provide documentary evidence of a level 2 qualification which is relevant to their role, then they are an Agricultural Development Worker Grade A.

Article 6(a) is a positive requirement i.e. the agricultural worker has to provide documentary evidence of a level 2 qualification, and that qualification must be relevant to their role in agriculture in order to be employed as an Agricultural Worker Grade B.

The difference in wording has no direct impact and does not affect the operation of article 5 or its interactions with articles 6,7 and 8 respectively. However, we note your comments and will take them into account for the 2026 Order.

Technical Scrutiny point 3: The Welsh Government acknowledge the point raised, however do not think it has any impact on the operation of the provision.

Technical Scrutiny point 4: The Welsh Government note your comments and acknowledge that this appears to be an oversight, however, do not think it has any impact on the operation of the provision.

Technical Scrutiny point 5: The Welsh Government note your comments and confirm that references to contract are intended to encompass agricultural works on apprenticeships. This will be made clear in the accompanying guidance to the Order.

Technical Scrutiny point 6: The Welsh Government has been advised by the Panel which prepared the Order that the formula derives from the UK Government guidance on holiday pay and entitlement reforms from 1 January 2024 (the ‘Guidance’).

The 12.07% figure referred to in the Working Time Regulations 1998 is based on the fact that all workers are entitled to 5.6 weeks' leave. This means that a worker's total working weeks in a year is 46.4 (52 weeks in a year minus 5.6 weeks of leave). 12.07% of 46.4 is 5.6.

Agricultural workers are entitled to a minimum holiday entitlement that is greater than the statutory minimum of 5.6 weeks per annual leave year. Under amendments to the Working Time Regulations 1998 agricultural workers who meet the definition of part year or irregular hours workers can have their annual leave entitlement and pay based upon a percentage entitlement. Agricultural workers whose annual leave and holiday pay entitlement is to be calculated in this way will be entitled to a greater percentage than the 12.07% depending upon their entitlement.

If the employer intends to calculate the annual leave entitlement and pay of any agricultural worker based on a percentage, their entitlement should be calculated based on the formula set out in the Order as provided for by the Guidance. The Agricultural Worker's Section 1 statement (i.e. the document outlining their applicable terms and conditions – as is required by Section 1 of the Employment Rights Act 1996) must stipulate the amount of paid leave an agricultural worker will be entitled to in a leave year. The calculation should therefore be undertaken at the point at which the agricultural worker is engaged.

Alternatively, employers can continue to calculate annual leave and holiday pay based on the 52-week calculation method stipulated in articles 32(1) - (4).

Technical Scrutiny point 7: The Welsh Government notes the point raised and will seek a correction slip to amend “cyflog” to “dâl” in Article 35(1).